

CITY COUNCIL AGENDA

OCTOBER 22, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member LeZotte (excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Member LeZotte (excused)
- **Invocation (District 9)**
Pastor Derek Engfelt, Saint Timothy's Lutheran Church, delivered the invocation. Mayor Gonzales extended condolences to the families and victims of the sniper attacks in the Washington D.C. and Virginia areas.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved with one addition: Item 4.2 deferred to 11/05/02.

1 CEREMONIAL ITEMS

- 1.1 **Presentation of the Human Rights Commission Award for Al Traugott to his wife, Roz Dean, in posthumous recognition of Al's dedication to promoting human rights and leading the Save San José Medical Center Coalition. (Yeager)**
As Liaison to the Human Rights Commission, Council Member Yeager joined Mayor Gonzales at the Podium and introduced Commission Chair Paul Feci, Commissioner Socorro Reyes-McCord, and honoree's widow Roz Dean, who accepted the award in recognition of the dedication and leadership efforts to prevent the closing of San José Medical Center.
- 1.2 **Presentation of a commendation to Kaiser Permanente, Santa Teresa and Dr. Stan Butler of San José State University for their involvement in the National Youth Sports Program (NYSP). (Campos)**
(Rules Committee referral 10/16/02)
Joining Mayor Gonzales at the Podium, Council Member Campos introduced Dr. Stan Butler, Dr. Seham El Diwany, Sylvia Townsend, Dorothy Marcelle, Lisa Jafferries, and Andrea Liederman, who unselfishly volunteer their time and resources to support the National Youth Sports Program. Mayor Gonzales presented the commendations to the honorees, and thanked them for their leadership in and long-term commitments to providing medical services to the youth of San José.

1 CEREMONIAL ITEMS

- 1.3 **Joining Mayor Gonzales at the Podium was City Clerk Patricia L. O’Hearn, who presented a floral arrangement to Rachel Thrower, and commended her for her exemplary work over the past 15 years as Legislative Secretary to the City Council. Mayor Gonzales thanked the honoree for her work and extended best wishes for the future on the occasion of her retirement.**

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes

- (a) Regular meeting of April 2, 2002
Approved.
- (b) Joint Council/Redevelopment Agency Board meeting of April 2, 2002
Approved.
- (c) Regular meeting of April 9, 2002
Approved.
- (d) Joint Council/Redevelopment Agency Board meeting of April 9, 2002
Approved.
- (e) Regular meeting of April 16, 2002
Approved.

2.2 Final adoption of ordinances.

- (a) ORD. NO. 26744 – Amends Chapter 11.48 of Title 11 of the San José Municipal Code to add a College Park Residential Permit Parking Program.
[Deferred from 10/15/02 – Item 2.2(b)]
Deferred to 11/19/02.

2.3 Approval of various actions for the Interim Federal Inspection Services Facility.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the concession agreement with SmarteCarte, Inc. to increase the percentage rent, add a fee structure for carts used in the Interim Federal Inspection Services Facility, and remove all electronic lockers, with annual revenue to the City in excess of \$13,000. CEQA: Resolution No. 67380, PP 02-09-275. (Airport)
Resolution No. 71263 adopted.

2 CONSENT CALENDAR

2.4 Approval of various amendments to the annual appropriation ordinance in the State Drug Forfeiture Fund.

Recommendation: Adoption of amendments to the annual appropriation ordinance in the State Drug Forfeiture Fund (Fund 417) for Fiscal Year 2002-2003:

- (a) Increase the Non-personal and Equipment appropriation for the Police Department in the amount of \$17,900; and
- (b) Decrease the Ending Fund Balance by \$17,900.

CEQA: Not a Project. (City Manager's Office/Police)

Ordinance No. 26760 adopted.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #9, and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved.

2.6 Approval of a donation of one surplus front-end loader.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one surplus front-end loader with an estimated value of \$7,000 to El Gobierno de Baja California Sur, Mexico. CEQA: Not a Project. (General Services)

Resolution No. 71264 adopted.

2.7 Approval to award a purchase of one Crime Scene Van.

Recommendation: Report on bids and award the purchase of one 16' Crime Scene Van for the Police Department to the lowest responsive bidder, Farber Motors, Inc., dba/Farber Specialty Vehicles (Columbus, OH), at a total cost of \$167,019.75, including tax and freight, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of one unit at the bid price of \$167,019.75, plus approval of a contingency in the amount of \$8,500 for design and safety improvements that may arise subsequent to the publication of the bid specifications and award of the purchase; and
- (b) Subsequent purchase of additional units at the same bid price and with the same contingency approval, without further Council action other than the appropriation of necessary funds.

CEQA: Not a Project. (General Services/Police)

Approved.

2 CONSENT CALENDAR

2.8 Approval of an agreement for the Community Action Pride grant program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate an amendment to the agreement with Community Foundation Silicon Valley for the Community Action Pride (CAP) grant program to include additional “Special Emphasis” funds not to exceed \$136,000. CEQA: Not a Project.
(Parks, Recreation and Neighborhood Services)

Resolution No. 71265 adopted.

2.9 Approval of an agreement for the Resources for Families and Communities agreement.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement amending the Resources for Families and Communities agreement, extending the term by nine months to end on June 30, 2003, and expending the remaining not to exceed amount of \$147,000. CEQA: Not a Project.
Council District 3. SNI: Washington. (Parks, Recreation and Neighborhood Services)

Resolution No. 71266 adopted.

2.10 Approval of various actions related to the Urban Streams Restoration Program Grant.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a joint application with the San José Conservation Corps in the amount of \$167,570 for services performed by the San José Conservation Corps at Alum Rock Park under the Urban Streams Restoration Program for Fiscal-Year 2002-2003, and if awarded, negotiate and execute a grant agreement with the State of California, Department of Water Resources. CEQA: Exempt, PP 02-10-290.
(Parks, Recreation and Neighborhood Services)

Resolution No. 71267 adopted.

Council approved the recommended actions related to the Urban Streams Restoration Program and directed Staff to return to Council on November 19, 2002 with information on the status on the Army Corps permitting process, and to include recommended strategy for Council consideration.

2.11 Adoption of a resolution approving the reorganization of Evergreen No. 184.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Evergreen No. 184, which involves the annexation to the City of San José of 40.0 gross acres of land, located along Dove Hill Road easterly of Highway 101, approximately 2,000 feet northerly of Hellyer Avenue, and the detachment of the same from the Central Fire Protection District and the Santa Clara County Library Service Area. (Planning, Building, and Code Enforcement)

Resolution No. 71268 adopted.

2 CONSENT CALENDAR

2.12 Approval of an agreement for the Story Road Mitigation Project.

Recommendation: Approval of an agreement with Harris Design for landscape architectural consultant services for the Story Road Mitigation Project from the date of execution to December 23, 2003, in the amount of \$124,000. CEQA: Exempt, PP 02-08-216. Council District 7. SNI: Spartan/Keyes. (Public Works)
Approved.

2.13 Approval of leases related to the new Interim Federal Inspection Services Facility.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an eleventh amendment to the Scheduled Airline Terminal Building Lease with American Airlines, Inc., to provide for the reallocation of gates in connection with the opening of the new Interim Federal Inspection Services Facility, with monthly revenue to the City of \$245,371.
 - (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a Lease of Airport Premises with American Airlines, Inc., for the new Interim Federal Inspection Services Facility, with annual revenue to the City of \$77,345.
- CEQA: Resolution No. 67380, PP 02-09-252. (Airport)
(Deferred from 10/15/02 – Item 2.5)
Deferred to 10/29/02.

2.14 Approval of City Attorney Richard Doyle's travel.

Recommendation: Approval of City Attorney Richard Doyle's travel to Washington, D.C., from November 3-4, 2002, to participate in discussions with the FAA. CEQA: Not a Project. (City Attorney)
(Rules Committee referral 10/16/02)
Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 9, 2002

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review October 22, 2002 Draft Agenda
The Committee recommended approval of the October 22, 2002 City Council Agenda with one addition.
 - (2) Add New Items to October 15, 2002 Amended Agenda
The Committee recommended six additions to the October 15, 2002 Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**
- (d) Meeting Schedules
None Presented.
- (e) The Public Record
No Public Record Filed.
- (f) Boards, Commissions and Committees
None Presented.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.
- (h) Administrative Reviews and Approval
 - (1) Workload assessment to establish an ad hoc City Council/Santa Clara Valley Water District committee to discuss all unresolved policy issues relating to trails
This item was reported at the October 15, 2002 Council Meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – October 9, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(h) Administrative Reviews and Approval

- (2) Request from Council Member Nora Campos to use Council General funds to attend the Sister Cities Anniversary in Japan, October 23-31, 2002

The Committee recommended approval of the use of Council General funds by Council Member Campos as the San José delegation to attend the Sister Cities Anniversary, October 23-31, 2002 in Japan, and an exemption from Council Policy 12F.

- (3) Approve City positions on November 2002 State ballot

This item was reported at the October 15, 2002 Council Meeting.

(i) Oral Communications

None Presented.

(j) Adjournment

The meeting was adjourned at 2:30 p.m.

The Rules Committee Report and actions of October 9, 2002 accepted.

3.3 Report of the Finance and Infrastructure Committee – October 9, 2002

Council Member Dando, Chair

(a) Consent Items

- (1) Monthly Investment Report for August 2002

- (2) August Monthly Report

The Committee accepted the Consent Items.

(b) Monthly Financial Report for August 2002

The Committee accepted the staff report.

(c) Sales and Business Tax for Quarter Ending June 30, 2002

The Committee accepted the staff report.

(d) Audit of the Office of Equality Assurance

The Committee accepted the staff report with direction [1] that the Department return to the Finance and Infrastructure Committee within three months with an evaluation of the positive and negative aspects of joining the State's Compliance Program; [2] that the City Manager's Office look at funding alternatives to fund the City's current compliance program; and [3] that the Committee be notified on whether the District Attorney would be willing to assist the City with cases involving non-compliant contractors.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Finance and Infrastructure Committee – October 9, 2002 – (Cont'd.) Council Member Dando, Chair

- (e) Semi Annual Recommendation follow-up for Six Months
The Committee approved the staff report with the following requests [1] that “Recommendation #1, *An Audit of the Fire Department – Hazardous Materials Storage Permit Fees*” – be referred to the City Manager’s Office for review and a report to the Finance & Infrastructure Committee with the findings prior to the budget process; and [2] that “Recommendation #9, *An Audit of the Property Appraisal Process of the Department of Public Works – Real Estate Division* be dropped.
- (f) Oral Petitions
Bill Garbett spoke on Labor Compliance and state law.
- (g) Adjournment
The Committee adjourned at 4:10 p.m.

The Finance and Infrastructure Committee Report and actions of October 9, 2002 accepted with the amendment to Committee action in Item 3.3(d); namely, that Staff return to the Finance and Infrastructure Committee’s December 11, 2002 meeting (two months) with the evaluation, and to report to the full Council on December 17, 2002.

3.4 Approval of contract to provide a Health Maintenance Organization health insurance program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with:

- (a) Blue Shield of California to provide Health Maintenance Organization (HMO) insurance to employees and retirees and their dependents for the period from November 1, 2002 through December 31, 2003, with authorization to negotiate renewal rates on an annual basis thereafter, with the following monthly rates through December 31, 2003:
 - (1) \$276.81 for Employee Only.
 - (2) \$711.05 for Employee Plus Family.
- (b) PacifiCare to provide a Medicare Supplement plan for Medicare eligible retirees and their dependents for the period from January 1, 2003 through December 31, 2003, with authority to negotiate renewal rates on an annual basis thereafter, with monthly rates through December 31, 2003 not to exceed the following:
 - (1) \$256.26 for Single Medicare Retiree.
 - (2) \$512.52 for Medicare Retiree and Spouse.

CEQA: Not a Project. (Employee Services)

Resolution No. 71269 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee – October 7, 2002 Council Member Williams, Chair

- (a) Recycled Product Procurement
The Committee accepted the report.
- (b) Annual Report of Activities of the San José First Employment Program
The Committee accepted the report.
- (c) Update of Land Use Policy for Wireless Communication Facilities
The Committee accepted the report with the exception that the only time a 35-foot setback would occur is when a PG&E Right-of-Way exists, and that Staff cross-reference the item on the October 22, 2002 City Council Agenda.

See Item 4.2 for Council action taken.

- (d) Street Tree Pruning and Replacement Process
The Committee deferred this item to the November 4, 2002 Economic Development and Environment Committee.
- (e) Oral Petitions
None Presented.
- (f) Adjournment
The meeting was adjourned at 2:35 p.m.

The Economic Development & Environment Committee Report and actions of October 7, 2002 accepted with Council action on Item 4.1(c) taken at Item 4.2.

4.2 Approval of the proposed update to the City Council Land Use Policy for Wireless Communications Facilities.

Recommendation: Adoption of a resolution approving the proposed update to the City Council Land Use Policy for Wireless Communications Facilities. (Planning, Building and Code Enforcement)

[Economic Development and Environment Committee referral 10/7/02 – Item 4.1(c)]
Deferred to 11/05/02.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Public Hearing and approval of an ordinance exempting certain re-roof projects from the requirement of a site development permit.

Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Title 20 of the San José Municipal Code, Chapter 20.100, Section 20.100.610, to exempt re-roof projects that meet certain criteria from the requirement of a site development permit; and, amending Chapters 20.30, Section 20.30.230, and Chapter 20.100, Section 20.100.1300 to establish substandard lot for residential uses at three thousand square feet instead of five thousand square feet. CEQA: Exempt, PP02-09-248. (Planning, Building, and Code Enforcement)
Citywide

Ordinance No. 26761 passed for publication.

4.4 Public Hearing and approval of an ordinance modifying the boundary of the Innovation Triangle Area.

Recommendation: PUBLIC HEARING AND APPROVAL OF AN ORDINANCE amending Chapter 23.04, Section 23.04.020 of Title 23, the Sign Code, of the San José Municipal Code to modify the boundary of the Innovation Triangle Area by deleting reference to State Highway 237. CEQA: Exempt, PP 02-09-272.
Planning, Building, and Code Enforcement)
Citywide

Ordinance No. 26762 passed for publication.

4.5 Public Hearing on the Historical Property Contract for the Hotel Metropole.

Recommendation: PUBLIC HEARING on the Historical Property Contract for the Hotel Metropole, City Landmark No. HL88-46 and the Sunol Building, City Landmark No. HL02-129 located at the northwest corner of South Market and Post Streets (35 South Market St.) on 0.33 gross acre. (Florin II LTD, William B. Mitchell G.P., Owner). CEQA: Exempt. (Planning, Building, and Code Enforcement)

MA 02-003 - District 3

(Continued from 10/8/02 – Item 4.3 and 10/15/02 – Item 4.5)

Continued to 11/05/02.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of various actions related to the Happy Hollow Park & Zoo Parks Bond Project.

Recommendation:

- (a) Approval of the re-phasing of the Parks Bond funded Happy Hollow Park & Zoo from six phases extending through 2010 to two phases with project completion in 2007.
- (b) Adoption of the following appropriation ordinance amendments in the Parks and Recreation Bond Projects Fund:
 - (1) Establish the Happy Hollow Phase 1 - Parking, Entry, and Zoo Improvements appropriation in the amount of \$6,480,000.
 - (2) Establish the Happy Hollow Phase II - Attractions, Zoo demo (old), green buffer appropriation in an amount of \$2,520,000.
 - (3) Reduce the Happy Hollow Phase 1 – Strategy & Interim Improvements by \$6,483,000.
 - (4) Reduce the Happy Hollow Phase II – Amusement Area Improvements by \$883,000.
 - (5) Reduce the Ending Fund Balance by \$1,634,000.

CEQA: Exempt, PP 02-10-296. SNI: Tully/Senter, Rockspring, Spartan/Keyes, Santee. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Dropped.

5.3 Approval to award a contract for the Stonegate and Watson Parks Play Area and Restroom Renovation Project.

Recommendation: Report on bids and award of contract for the Stonegate and Watson Parks Play Area and Restroom Renovation Project to the lowest responsive bidder, ESR Construction, Inc., in the amount of \$487,454, and approval of a contingency in the amount of \$39,000. Stonegate Park CEQA: Exempt, PP02-06-172. Watson Park CEQA: Exempt, PP02-06-171. Council Districts 3 and 7. Watson Park SNI: 13th Street. (Public Works)

(Deferred from 10/1/02 – Item 5.4 and 10/15/02 – Item 5.2)

Approved.

6 TRANSPORTATION SERVICES

6.1 Approval of various actions related to agreements with the Santa Clara Valley Transportation Authority.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with the Santa Clara Valley Transportation Authority (VTA) to:
 - (1) Complete final design plans and secure Caltrans approval for improvement of the Route 101/Hellyer and the Route 101/Blossom Hill Interchanges in Edenvale, in an amount not to exceed \$4,000,000.
 - (2) Augment the Route 101 corridor planning studies to include the proposed Route 101/Fourth/Zanker/Skyport Interchange and the Route 101/Capital/Yerba Buena Interchange and fund an amount not to exceed \$600,000.
 - (3) Contribute toward the design and construction of the Guadalupe River Pedestrian and Bicycle Bridge at River Oaks Parkway, in an amount not to exceed \$400,000.
 - (4) Reimburse costs for the “BART to San José Feasibility Study” in an amount not to exceed \$185,000.

Resolution No. 71270 adopted.
- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):
 - (1) Establish an appropriation to the Department of Transportation for the Edenvale: Highway 101 Interchange Improvements project in the amount of \$4,000,000.
 - (2) Increase the estimate for Earned Revenue by \$4,000,000.

Ordinance No. 26763 adopted.
Resolution No. 71271 adopted.
- (c) Adoption of a resolution making certain determinations regarding the related expenditure of the Redevelopment Agency funds on certain public improvements in connection with the Edenvale: Highway 101 Interchange Improvements Project, as more specifically described in the memorandum from the Redevelopment Agency, dated October 9, 2002.

CEQA: Exempt, PP02-09-262. Council Districts 2,3,4,7, and 8.
(Transportation/City Manager’s Office)

Resolution No. 71272 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of an agreement for the implementation of water conservation programs.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with the Santa Clara Valley Water District (District) for the implementation of water conservation programs 2001-2002, extending the term by an additional nine months from September 30, 2002 to June 30, 2003, retroactive, at no additional cost to either party. CEQA: Exempt, PP 02-10-281. (Environmental Services)

Resolution No. 71273 adopted.

8 AVIATION SERVICES

8.1 Approval of an amendment to the Scheduled Airline Operating Agreement regarding compliance with the City's Airport Noise Control Program.

Recommendation: Approval of a fifth amendment to the Scheduled Airline Operating Agreement between the City of San José and American Airlines, Inc., to add provisions regarding compliance with the City's Airport Noise Control Program, with annual revenue to the City in excess of \$4,000,000. CEQA: Resolution No. 67380, PP 02-09-276. (Airport)

(Deferred from 10/15/02 – Item 8.1)

Deferred to 10/29/02.

8.2 Adoption of a resolution extending the moratorium on authorizations granted under Article X(B)(2) of the Airport Noise Control Program.

Recommendation: Adoption of a resolution extending the moratorium on authorizations granted under Article X(B)(2) of the Airport Noise Control Program (Resolution No. 57211) to operate during the curfew hours of 11:30 p.m. to 6:30 a.m. at the Norman Y. Mineta San José International Airport, for an additional period of ninety days, pending further investigation and study of requests to operate during such period, the potential effects of such requests, and a study of alternatives for restructuring the Airport Noise Control Program. (City Attorney's Office)

(Rules Committee referral 10/16/02)

Resolution No. 71274 adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 2:48 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Approval of various actions related to Public Works and Redevelopment Agency Construction Projects.

Recommendation:

- (a) Approval of an ordinance amending Title 14 of the San José Municipal Code to add a new Chapter 14.06 setting forth dispute avoidance and dispute resolution procedures for public works construction projects.

Ordinance No. 26764 passed for publication.

- (b) Adoption of a resolution by the Redevelopment Agency to implement the same dispute avoidance and dispute resolution procedures for RDA construction projects, to the extent that they do not conflict with the requirements of State law applied to RDA construction projects.

CEQA: Exempt, PP 02-10-278. (City Manager's Office/Redevelopment Agency)
(Deferred from 10/15/02 – Item 10.1)

Redevelopment Agency Board Resolution No. 5359 Adopted.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 2:56 P.M.

- **Closed Session Report**

No Report.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps.

None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review.

None.

- **Open Forum**

- (1) **Marc Boyd addressed Council on indebtedness of the Redevelopment Agency, and thanked Council Member Cortese for the work accomplished on the Just Cause proposal.**
- (2) **William Garbett spoke on a variety of issues.**
- (3) **Ross Signorino congratulated Council Member Dando on the success of the Domestic Violence Walk.**

- **Adjournment**
The Council of the City of San José adjourned at 3:00 p.m. in memory of Gina Farnquist, former City employee with the Parks, Recreation and Neighborhood Services Department, and wife of former Director of Personnel, Bob Farnquist; and in memory of Rose Caglia, a long-time resident of Almaden Valley.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

The following ordinance was passed for publication at the Joint Redevelopment Agency Board/City Council meeting on Tuesday, October 22, 2002:

- **Call to Order and Roll Call**
4:00 p.m. – Joint Redevelopment Agency Board/City Council
Council Chambers, City Hall
Absent: Council Member LeZotte (excused)

7.2 Approval of an ordinance deleting the time limit on establishment of indebtedness in Redevelopment Project Areas.

Recommendation: Approval by the City Council of an ordinance deleting the time limit on establishment of indebtedness in Almaden Gateway, The Alameda, Alum Rock Avenue, Century Center, East Santa Clara Street, Edenvale, Guadalupe-Auzerais, Japantown, Julian-Stockton, Market Gateway, Olinder, Park Center, Pueblo Uno, Rincon de los Esteros, San Antonio Plaza, Story Road and West San Carlos Redevelopment Project Areas.

(Deferred 10/15/02 – Item 7.1)

Ordinance No. 26765 passed for publication.

Vote: 10-0-1-0. Absent: LeZotte.